

MICHAEL J. BETTINGER (CAL BAR No. 122196)
RACHEL R. DAVIDSON (CAL BAR No. 215517)
PRESTON GATES ELLIS LLP
55 Second Street, Suite 1700
San Francisco, California 94105
Phone: (415) 882-8200
Fax: (415) 882-8220

Attorneys for Defendant
SIEBEL SYSTEMS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGOSS SOFTWARE CORPORATION,

Plaintiff,

vs.

SIEBEL SYSTEMS, INC.,

Defendant.

Case No. 05-5224 BZ
(consolidated with Case No. 05-5225 BZ)

**MOTION FOR ENTRY OF ORDER
AUTHORIZING WITHDRAWAL OF
SIEBEL SYSTEMS, INC.'S
TEMPORARY RESTRAINING
ORDER BOND AND RELEASING
THE SURETY ON THAT BOND
FROM LIABILITY;
~~[PROPOSED]~~ ORDER**

Siebel Systems, Inc. ("Siebel") submits the following request for an entry of Order authorizing the withdrawal of Siebel's Temporary Restraining Order ("TRO") bond and releasing Siebel from liability on that bond.

On December 12, 2005, Siebel moved for a TRO in the above entitled court. On December 22, 2005, the Court granted Siebel's TRO. As a condition of granting Siebel's TRO, Siebel was required to post a bond in the amount of \$25,000. A true and correct copy of the said bond is attached hereto as Exhibit 1 ("Injunction Bond").

Pursuant to California Code of Civil Procedure §995.360(b), the Injunction Bond can be withdrawn from the file and returned if the bond is no longer in force and effect and the time which

the liability on the bond may be enforced has expired. California Code of Civil Procedure §995.430 further provides that a bond no longer remains in effect when the purpose for which the bond was given is satisfied or the purpose is abandoned without any liability having been incurred.

On April 25, 2006, Angoss and Siebel entered into a stipulation dismissing this action and the consolidated action and all of the claims asserted therein with prejudice, with each party bearing its own costs. The Court granted that stipulation dismissing this action and the consolidated action.

Since this action and the consolidated action have been dismissed, the purpose for which the Injunction Bond was given has expired and therefore, the Injunction Bond no longer remains in effect. Accordingly, Siebel requests that the Injunction Bond be withdrawn from the files in this case and returned by the Clerk of the Court to Siebel's attorney of record, and that the surety thereon be released from liability under that Injunction Bond.

DATED: June 22, 2006

PRESTON GATES & ELLIS LLP

By /s/
Rachel Davidson
Attorneys Siebel Systems, Inc.

ORDER

Now therefore, with good cause appearing; and no opposition filed.

IT IS HEREBY ORDERED AS FOLLOWS:

Siebel System's Injunction Bond shall be withdrawn from the files in this case and returned by the Clerk of the Court to Siebel's attorney of record, and that the surety on that Injunction Bond shall be released from liability thereunder.

IT IS SO ORDERED

Dated: 6/26/, 2006

MOTION FOR ENTRY OF ORDER
AUTHORIZING WITHDRAWAL OF SIEBEL SYSTEMS,
INC.'S TEMPORARY RESTRAINING ORDER BOND
AND RELEASING SIEBEL ON THAT BOND FROM LIABILITY;
[PROPOSED] ORDER
Case No. 05-5224 BZ

